

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re

**ASSIGNMENT AND REASSIGNMENT
OF RELATED CASES AND PROCEEDINGS
AND CASES AND PROCEEDINGS DUE TO
RECUSAL**

GENERAL ORDER 99-02

To assist in the orderly conduct of the business of this Court, the Judges of the United States Bankruptcy Court for the Central District of California hereby enter General Order 99-02, dated March 31, 1999, regarding assignment and reassignment of related cases and proceedings and cases and proceedings due to recusal.

BACKGROUND

The recently promulgated Local Bankruptcy Rules, which became effective on July 1, 1998, do not contain a provision similar

1 to that of prior Local Bankruptcy Rule 104(4)(c) or 104(4)(d), as the
2 Ninth Circuit Review of Local Rules determined that the procedures
3 concerning assignment and reassignment of related cases were more
4 appropriately implemented in a General Order. This General Order
5 establishes procedures by which related cases and proceedings are
6 assigned and reassigned and by which cases and proceedings are
7 reassigned due to recusal.

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9 **PROCEDURE FOR ASSIGNMENT AND REASSIGNMENT**
10 **OF RELATED CASES AND PROCEEDINGS**

11 **Assignment of Related Cases**

12 The following procedure shall be used for the assignment of
13 related cases by the Clerk of the Court.

14 When a "Rule 1015-2 Statement" (as defined in Local
15 Bankruptcy Rule 1015-2(2)(b)) discloses a Related Case (as
16 defined in Local Bankruptcy Rule 1015-2(1)) which is or was
pending in this District, the newly-filed case shall be
assigned by the Clerk in the following manner:

- 17 (a) Except as provided in subsection (c), if the Judge to
18 whom such Related Case was most recently assigned is
still in office, then to such judge;
19 (b) If such Judge is no longer in office, then according to
the administrative orders of this Court; and
20 (c) If the new petition was properly filed in a division of
this District different from the division in which the
21 Judge to whom the prior case was assigned now sits, the
new case will be assigned to a Judge in the division in
22 which it was filed and not to the Judge to whom the
prior case was assigned.

23 **Reassignment of Related Cases and Proceedings**

24 The following procedure shall apply to the reassignment of
25 related cases and proceedings by the Court:

- 26 (1) The Judge before whom a later-filed case or proceeding is
27 pending may, with or without motion, notice or hearing,
order the reassignment of such case or proceeding to the
28 Judge before whom a prior Related Case or proceeding is
pending.

1 (2) The Judge before whom a prior case or proceeding is pending
2 or was pending may, with or without motion, notice or
3 hearing, order the reassignment to his or her docket of a
4 later-filed case or proceeding pending before another Judge.
5 Any reassignment of a case or proceeding pursuant to this
6 paragraph (2) shall require the concurrence of the Judges to
7 whom and from whom such case or proceeding is to be
8 reassigned.

9 (3) The Judges to whom a Related Case or proceeding have been
10 assigned may, by mutual consent, order the reassignment of a
11 prior Related Case or proceeding to the Judge to whom a
12 later-filed case or proceeding has been assigned for good
13 cause based upon the convenience of the parties or where
14 justice otherwise requires.

15 Reassignment of Cases or Proceedings Due to Recusal

16 If a case or proceeding is assigned to a Judge and the
17 assigned Judge discovers grounds to recuse himself or herself pursuant
18 to Federal Rule of Bankruptcy Procedure 5004, the assigned Judge may
19 not cause the case or proceeding to be reassigned unless the assigned
20 Judge first signs an order that specifies the basis for recusal and,
21 hence, reassignment. The form "Orders of Recusal" are attached as
22 Exhibit "A" to this order.

23 The preceding paragraph applies no matter how the case or
24 proceeding was assigned to the assigned Judge.

25 **IT IS SO ORDERED.**

26 DATED: March 31, 1999

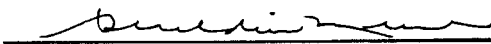
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GERALDINE MUND
Chief Judge, United States
Bankruptcy Court

Exhibit “A”
“Orders of Recusal “
(Not available for public use)